



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.
087796,519	02/06/97	INOUE	H 684.2213-DIV

MM71/0713  
FITZPATRICK CELLA HARPER & SCINTO  
277 PARK AVENUE  
NEW YORK NY 10172

EXAMINER HALLACHER, C
--------------------------

ART UNIT 2853	PAPER NUMBER
------------------	--------------

DATE MAILED: 07/13/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/796,519**

Applicant(s)  
**Inoue et al.**

Examiner  
**Craig Hallacher**

Group Art Unit  
**2853**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-42 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-42 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/518,730.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3,4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2853

### **DETAILED ACTION**

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/518,730, filed on 8/24/95.

### ***Drawings***

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Art Unit: 2853

*Specification*

4. A substitute specification excluding claims is required pursuant to 37 CFR 1.125(a) because of the lengthy amendment filed 2/6/97.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-8 and 35-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the recitation of “a air vent” should read “an air vent”. Also in claim 1, the recitation of “for fluid communication with ambience” is vague and indefinite because it is unclear

Art Unit: 2853

as to what "ambience" refers to. Also in claim 1, it is unclear as to where "a second side opposite from said ink container" is located.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirabayashi et al. in view of Kotaki et al.

Hirabayashi et al. discloses an ink container comprising: an ink supply port (8a) for supplying ink to an ink jet head; an air vent (3a); a claw-like projection (6a) on a first side of said ink container; and a latching lever (103a) provided opposite from said ink container, said latching lever being resiliently supported on said ink container and having a latching claw. However, Hirabayashi et al. does not disclose a top portion of the ink container has a stepped portion. Kotaki et al. discloses an ink container having a top side which has a stepped portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide an ink container having a top side which has a stepped portion, as taught by Kotaki et al., in the ink container of Hirabayashi et al., in order to facilitate insertion and removal of the ink container.

Art Unit: 2853

9. Claims 9-34 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirabayashi et al. in view of Kashimura et al.

Hirabayashi et al. discloses an ink container holder comprising: an opening for receiving an ink container; an ink receiving tube (15a) for receiving ink; a first internal wall having a first engaging hole (16a) for engagement with a claw-like projection (7a) of the ink container; and a second internal wall having a second engaging hole (17a) for engagement with a latching claw (5a) of a latching lever of the ink container. However, Hirabayashi et al. does not disclose a projected portion for covering a part of said opening. Kashimura et al discloses an ink container holder having a projected portion (10) for covering a part of an opening. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a projected portion covering a part of an opening, as taught by Kashimura et al., in the ink container holder of Hirabayashi et al., in order to elongate the life of the device.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Hallacher whose telephone number is (703) 308-0516.

111

C.A.H.  
June 22, 1998



BENJAMIN R. PUFFER  
SUPERVISOR, PATENT EXAMINING  
DIVISION